

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Bourgeois et al.

Group Art Unit: 1745

Serial No.: 10/816,697

Examiner: CHUO, TONY SHENG HSIANG

Filed: April 5th, 2004

Conf. No.: 9731

For COMPLIANT FUEL CELL SYSTEM

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents,
Alexandria, VA 22313

Sir:

The examiner has issued a restriction requirement identifying: Group I, Claims 1-18 and 27-29, drawn to fuel cell assembly, classified in Class 429, subclass 12 and Group II, Claims 19-26, drawn to fuel cell stack, classified in class 429, subclass 32. The examiner has further issued a species election requirement For Group I: Species 1: the embodiment of Figure 1, Species 2: the embodiment of Figure 2 and for Group II: Species 1: the embodiment of Figure 6 and Species 2: the embodiment of Figure 7.

Applicants elect with traverse to prosecute the invention of Group II and Species 2 as shown in Figure 7. Applicants submit that the corresponding claims include claims 19-26. Applicants hereby reserve the right to petition, which petition may be deferred until after the final action or allowance of claims to the invention elected (as per CFR 1.144).

Applicants traverse the species election requirement. Applicants submit that the claims in the instant invention are so interrelated that the species require a search of the same technical arts. Thus, Applicants further submit that the search and examination of the entire application can be made without serious burden, even if Examiner maintains that it includes claims to distinct and independent inventions (kindly see MPEP 803). Hence, it is respectfully requested that the species requirement be withdrawn and that claims 19-26 be considered on the merits.

In any event, in keeping with the requirement under 35 USC 121, Applicant has elected, for examination Group II and Species 2 as shown in Figure 7, Claims 19-26.

Respectfully submitted,

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